

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
FABRICANT LLP, PETER :
LAMBRIANAKOS, VINCENT J. RUBINO, :
III, ENRIQUE W. ITURRALDE, and ZHONG: :
LAW FIRM, :
:
Plaintiffs, :
:
-against- :
:
SAMSUNG ELECTRONICS CO., LTD. and :
SAMSUNG ELECTRONICS AMERICA, :
INC., :
:
Defendants. :
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23-MC-272 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:


Plaintiffs initiated this action on August 14, 2023 by filing a motion to quash Defendants’ non-party subpoenas. (Docs. 1, 4 (“Motion to Quash”).) That same day, Plaintiffs filed a motion to transfer their motion to quash to the United States Eastern District of Texas, Marshall Division. (Doc. 3 (“Motion to Transfer”).) On August 21, 2023, Defendants filed an opposition to the Motion to Quash. (Doc. 13.) On August 23, 2023, Plaintiffs filed their reply in support of the Motion to Quash. (Doc. 17.) On August 28, 2023, Defendants filed a letter explaining that they do not oppose the Motion to Transfer. (Doc. 18.)

The subpoenas that Plaintiff seeks to quash direct them “to comply at O’Melveny & Myers LLP’s New York, New York office, located at 7 Times Square Tower, New York, NY 10036.” (Doc. 3 at 3.) Pursuant to Fed. R. Civ. P. 45(f), “[w]hen the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances.” I

find that the Eastern District of Texas, Marshall Division, having knowledge of the underlying matter, is best-positioned to resolve the Motion to Quash. Accordingly, the Motion to Transfer is GRANTED.

SO ORDERED.

Dated: August 30, 2023
New York, New York



Vernon S. Broderick
United States District Judge